IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE P.N.RAVINDRAN

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

WA.No. 2930 of 2007

AGAINST THE JUDGEMENT IN WPC.34760/2007 Dated 03/12/2007
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APPELLANT/PETITIONER

V.G.SURENDRANATH,
MANAGER,
VALUMMEL TEACHER TRAINING INSTITUTE,
MOOLANKAVU P.O.,
SULTHANBATHERY.

BY ADV. SRI.T.S.JOHN
SRI.M.S.RADHAKRISHNAN NAIR

RESPONDENTS/RESPONDENTS
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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
THIRUVANANTHAPURAM.

2. DEPUTY DIRECTOR OF EDUCATION,
WAYANAD.

BY GOVERNMENT PLEADER SRI.M.P.SREEKRISHNAN

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & P.N.RAVINDRAN, J.

W.A.No.2930 of 2007

Dated, this the 14th day of December, 2007

JUDGMENT

H.L.Dattu, C.J.

This writ appeal is directed against the orders passed by a learned Single Judge in W.P.(C) No.34760 of 2007 dated 3rd December, 2007. By the impugned order the learned Single Judge has rejected the writ petition.

2. While disposing of this writ appeal we will be referring to the parties as arrayed in the writ petition.

3. Petitioner is the Manager of a Self Financing Teachers Training Institute. He is aggrieved by the inaction of the second respondent to fill up the two seats which according to him are remaining vacant in the Government quota on account of two students being selected under the merit quota. Therefore, he was before this Court by filing the writ petition, inter alia, seeking a direction to the second respondent to permit the petitioner to fill up the two vacancies which have arisen, according to him, in the Government quota.

4. The State Government had allotted certain seats in the Government quota to the petitioner's institute for the academic year 2007-08.

5. In the writ petition, it is stated that the Principal of the College had issued a paper publication inviting application from the students to come forward to accept the vacancies available in the college.

6. The learned Single Judge while disposing of the writ petition has observed in his order that the students of the petitioner's college were allotted

some time in the month of August, 2007 itself. Further, the course had commenced and at this distance of time it may not be proper to direct the second respondent to allot students to the petitioner's institution.

7. Aggrieved by the said reasoning of the learned Single Judge, the petitioner is before us in this writ appeal.

8. When the matter was posted before this Court for admission, we had directed Sri.M.P.Sreekrishnan, learned Government Pleader, to secure instructions from the Deputy Director of Education.

9. Pursuant to the direction so issued, Sri.Sreekrishnan had secured necessary instructions from the Deputy Director of Education. In that it is stated that the list of candidates for admission to the self financing course, 2007-08 has been exhausted on 9.10.2007. The vacancy report was submitted by the Principal only on 12.11.2007. Admission to the self financing colleges has been closed on 15.10.2007. In view of the closure of the admissions, the Deputy Director of Education has stated that it may not be possible for him to permit the petitioner college to fill up the vacancies.

10. Since, in our opinion, the admissions to the petitioner's institution has been closed as early as on 15.10.2007, it may not be proper for this Court at this stage to direct the Deputy Director of Education to fill up the remaining vacancies in the petitioner's institution. This may create problems to the students as they may not have sufficient attendance at the end of the year to appear for the examinations. Further, for nearly two months they would have lost the classes and they may not be in a position to cope up with the studies within the remaining few months before the first year examination.

11. In view of all these, in our opinion, the learned Single Judge was justified in rejecting the writ petition. We do not see any error in the orders passed by the learned Single Judge. Therefore, interference with the said order is not called for. Therefore, the writ appeal requires to be rejected and we do so.

Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(P.N.RAVINDRAN)
JUDGE

vns